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MEETING

STATE OF CALIFORNIA

INTEGRATED WASTE MANAGEMENT BOARD

SUSTAINABILITY AND MARKET DEVELOPMENT COMMITTEE

JOE SERNA JR., CALEPA BUILDING

1001 I STREET

SIERRA HEARING ROOM

SACRAMENTO, CALIFORNIA

TUESDAY, NOVEMBER 4, 2003

1:30 P.M.

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APPEARANCES

COMMITTEE MEMBERS

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Cheryl Peace

Carl Washington

STAFF

Mark Leary, Executive Director

Marie Carter, Staff Counsel

Pat Schiavo, Deputy Director

Patty Wohl, Deputy Director

Jennifer Bartholomew

Elliot Block, Staff Counsel

Jim LaTanner

Phil Morales

Dassi Pinter

Kyle Pogue

Diane Shimizu

Lorraine Van Kekerix

ALSO PRESENT

Karen Coca, City of Los Angeles

Evan Edgar, California Refuse Removal Council

Patrick Quinn, County of Sacramento

Steve Rodowich, City of Gridley

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1 PROCEEDINGS

2 CHAIRPERSON JONES: Good afternoon. And welcome
3 to the November 4th meeting of the Sustainability, Market
4 Development and Planning Committee.

5 For those of you that have cell phones on, if you
6 could put them to vibrator, shut them off, we'd appreciate
7 it.

8 Anybody that wants to speak on an item, feel free
9 to fill out a speaker's slip in the back of the room and
10 give it to Ms. Bakulich.

11 Jeannine, could you call the roll.

12 SECRETARY BAKULICH: Peace?

13 COMMITTEE MEMBER PEACE: Here.

14 SECRETARY BAKULICH: Washington?

15 COMMITTEE MEMBER WASHINGTON: Here.

16 SECRETARY BAKULICH: Jones?

17 CHAIRPERSON JONES: Here.

18 Thank you.

19 Ms. Wohl.

20 DEPUTY DIRECTOR WOHL: Okay. Good afternoon,
21 Chairman Jones, Committee members. Patty Wohl with the
22 Waste Prevention and Market Development Division.

23 I have several things I'd like to report on, the
24 first one being that we had our zone administrator
25 training last week in Santa Rosa. Thank you, Board Member

1 Jones, for providing the keynote speech on the opening day
2 and also moderating one of the discussion panels. Mr.
3 Jones discussed the Board's strategic plan and the
4 importance of marketing the organics industry.

5 Since the training was held in the Sonoma County
6 region, an interesting panel discussion took place about
7 the economic development efforts in that region, as well
8 as other panel members discussed smart landfill design
9 practices. We also had commercial soil and water
10 conservation practices discussed there.

11 A tour of an organic winery with an award winning
12 permaculture program was also included in the training
13 session.

14 In addition, in relationship to the zone
15 administrators, staff have been working on developing a
16 training tape with the help of the Public Affairs office.
17 This tape covers topics such as the rules and
18 responsibilities of the ZAs as well as the Board staff,
19 tips on how to best manage your ZA job, and other
20 available Board resources.

21 In addition, Joyce Mason developed a guidebook to
22 go along with this tape. What we found is that with the
23 ZA administrators there could be a lot of turnover in
24 particular regions. So this was a cost-effective way to
25 get out the training in a timely method and maybe

1 eliminate some of the travel and be able to give them that
2 information when they need it most. So we're hoping that
3 will be a good model for other places to use.

4 In addition, the Plastics Recycling Technology
5 Section successfully completed two workshops last week.
6 On October 27th we had the plastics roundtable, which
7 focused on a discussion of issues surrounding the
8 diversion of food service plastic through composting
9 applications and the feasibility of using biodegradable
10 plastic bags to mitigate for the adverse impacts of
11 plastic litter in the environment. Nearly 50 stakeholders
12 participated in person and an undetermined number
13 participated via the Internet broadcast.

14 There was agreement that performance should be
15 the primary concern and that there should be some standard
16 specifications for compostable products and food service
17 containers. Also expressed was a need for an integrated
18 approach to consumer education and that the residual
19 material must be safe and nontoxic.

20 The workshop provided the broad stakeholder input
21 that had not previously occurred and sets the stage for
22 future focus discussions on specific aspects of both the
23 technical and the policy issues.

24 On October 28th, we held the plastic trash bag
25 workshop, which the Board directed staff to organize at

1 its September meeting. We brought together the plastic
2 trash bag manufacturers, the post-consumer resin
3 suppliers, local haulers, recyclers, and some of the
4 plastic lumber manufacturers, to discuss the barriers and
5 some of the solutions to increasing the use of
6 post-consumer resin by trash bag manufacturers and to meet
7 the minimum recycled content requirements of the law.

8 Staff would like to thank Board Member Jones who
9 participated, all day in fact, and was instrumental in
10 ensuring that the manufacturers and suppliers focused on
11 future compliance with the trash bag law.

12 Board Member Paparian and Executive Director Mark
13 Leary also were in attendance at the morning session. I
14 think this further highlighted to the trash bag
15 manufacturers and other key stakeholders the importance
16 that the Board has attached to this workshop. So I think
17 it was definitely noticed.

18 In summary, the workshop was highly successful in
19 that it facilitated a frank exchange regarding obstacles
20 and potential solutions between the manufacturers and the
21 resin suppliers, and established a working relationship
22 between those two groups that will help to facilitate
23 future compliance with the trash bag law.

24 And I'd personally like to acknowledge Mike
25 Leaton's efforts in putting on these back-to-back

1 workshops; as well as the Plastics Recycling Section
2 staff, Bill Orr and Jill Jones, who did a great job
3 facilitating for us. So they all did an outstanding job.

4 That concludes my report. If there's any
5 questions, I'd be happy to answer.

6 CHAIRPERSON JONES: Any questions, members?

7 I want to just touch on one issue. The zone
8 works -- first, I want to thank our staff for a great job
9 all day -- or the few days that that thing happened. But
10 I want to let the members know as well as the executive
11 directors that I was sort of penciled in for the first
12 hour and 40 minutes or something, and then had to moderate
13 the rest of the day. I took advantage of that, besides
14 talking about the organics, to talk about what was
15 perceived I think as a rift between the ZA, CARMDZ, and me
16 in this -- and me in particular on the treatment of these
17 regs and other issues as we work through trying to keep
18 this program solvent.

19 So it afforded an opportunity to lay out what the
20 issues were, which the members know dealt with trying to
21 keep this program alive, and having to come up with
22 options that may not be as palatable as everybody would
23 have hoped but are really the only options that we have to
24 keep this program alive and just how important this
25 program is.

1 And I think at the end of the day, at least the
2 comments that I heard from people, they appreciated the
3 discussion, they appreciated understanding more about the
4 facts, and they understood why they were included at the
5 beginning to help come up with solutions and why the Board
6 came up with the options that they did. So I would be
7 surprised if the inference that there was somehow a rift
8 existed past those days, because I think we worked through
9 an awful lot of those issues and made the membership aware
10 of what we were facing to keep that program operational.

11 And I will say that I was very pleased. I think
12 about six or eight months ago I had to address that group
13 in between -- at our lunch break of a Board meeting, and
14 sort of challenged them -- other members to get involved
15 in the directorship of that organization so that we got
16 some new blood and some new ideas.

17 And when we went around the room and introduced
18 ourselves, from what city we came from and what our
19 functions were, came to find out that we had three new --
20 or four new -- three or four new Board members, people
21 that are going to put the time in to bring their
22 expertise. And all of those people have economic
23 development backgrounds.

24 So that's a real positive. So I was really
25 pleased with the work of our staff and the work of the

1 ZAs. And the speakers that day were unbelievable.

2 So you guys did a good job. And so did you, Mr.
3 Leanon, on the last week or so.

4 All right. Let's get going.

5 DEPUTY DIRECTOR WOHL: So the first item is Board
6 Item 16, or Agenda Item B, which is discussion and request
7 for approval to notice for 45-day comment period proposed
8 additions to Recycling Market Development Zone loan
9 regulations to allow the use of RMDZ loan funds to
10 leverage private, nonprofit or government loan funds, and
11 proposed technical revisions to RMDZ loan regulations.

12 And Jim La Tanner will present.

13 MR. LaTANNER: Jim La Tanner, Supervisor for the
14 Recycling Market Development and Revolving Loan Program.

15 This agenda item, the RMDZ Loan Program currently
16 provides direct loans to eligible recycling-based
17 businesses located within 40 zones. The loan program
18 however is not sustainable as it is currently structured
19 and employed. The amount of money in the loan program
20 sub-account is projected to decline. And the last few
21 years we were lending up to 10 million per year. Next
22 year we're projecting only 3.8 million available.

23 In order to maintain the support for the program
24 and loans to businesses we want to continue to make 10
25 million available through leveraging options.

1 In the Public Resource Code it allows us to
2 leverage. But there's a short one or two sentence. We're
3 taking the next step to add a new section in regs, Section
4 1.2, to further clarify what we mean by leveraging and the
5 direction we intend to go to.

6 This item requests approval to notice proposed
7 technical revisions and additions to the regs to carry out
8 the Board's direction. A new version of the regs was
9 probably handed out to the Board members this morning, and
10 there's 30 copies on the back table for the public.

11 At this point, I'd like to open it up for
12 discussions if the Committee members have any questions.

13 CHAIRPERSON JONES: Any questions, members?

14 Mr. Washington.

15 COMMITTEE MEMBER WASHINGTON: In the content of
16 the application part, I know we went from -- or did we
17 go -- has it always been the Board "may" make available
18 loan applications for individuals who apply for these
19 loans, or was it "shall" make available?

20 MR. LaTANNER: In the current regs there's a form
21 as opposed to a description. And the application form is
22 a requirement that all must fill out. What staff wants to
23 do is take the form out of regs so we can modify it to
24 make it more comprehensive and complete and easier for the
25 applicants. But when you take a form out of regs, you

1 then need to spell out in words what an application only
2 would contain. Currently, those are items listed in the
3 proposed regs are what we normally ask all applicants to
4 provide. But it does depend upon the type of the
5 business, especially whether it's an existing business or
6 new start up as to which particular forms are required or
7 not.

8 This was a discussion at the zone works. The ZAs
9 request is to make the application content "may," which
10 does not require all of the items. It really depends upon
11 the type of business and where they're at in their
12 business life cycle as to what forms are needed or not.

13 The way I structured this are the infrastructure
14 of Bank of Trade and Commerce has similar verbiage that
15 they used, and I tagged off that and tweaked some of the
16 forms that we normally require for our businesses.

17 I'd like to -- we can change it to "may." That
18 would work, because it depends upon the application.

19 COMMITTEE MEMBER WASHINGTON: It says "may" now.

20 MR. LaTANNER: Right. That's okay.

21 COMMITTEE MEMBER WASHINGTON: And I guess I
22 was just concerned, "shall provide these applications,"
23 meaning that we wouldn't discriminate against individual
24 businesses or so on. We felt that they felt they were
25 discriminated because they came to the Board and the Board

1 said, "No, we're not going to give you an application
2 form."

3 MR. LaTANNER: If you used the word "shall," then
4 the wording asked for financial statements which are not
5 available if it's a new start up. So staff's prerogative
6 is to use the word "may."

7 COMMITTEE MEMBER WASHINGTON: Yeah, okay.

8 CHAIRPERSON JONES: Any other questions?

9 Mr. Washington, with that explanation from Mr. La
10 Tanner, does that cover --

11 COMMITTEE MEMBER WASHINGTON: Yeah, yeah.

12 CHAIRPERSON JONES: Okay. I think -- yeah,
13 obviously we all agree with Mr. Washington that everybody
14 needs to get it. But I appreciate some can't provide
15 these things. So that's cool.

16 All right. So the question to the Board is -- or
17 to the Committee is to put these out for 45 days and start
18 the process.

19 Okay. The direction then is to set these out for
20 45 days, start the process. You okay with that,
21 everybody?

22 Okay. Go ahead and send them out. I didn't hear
23 any objections.

24 DEPUTY DIRECTOR WOHL: All right. Thanks.

25 CHAIRPERSON JONES: All right. Next item.

1 DEPUTY DIRECTOR WOHL: Today the Board will
2 consider one loan in the amount of 340,000 that will be
3 funded from the RMDZ account. If this loan is approved
4 and funded, it will leave \$152,445 in the RMDZ fund for
5 future loans.

6 So with that, we'll do Agenda Item 17, C,
7 consideration of the Recycling Market Development
8 Revolving Loan Program application for Crown Poly, Inc.

9 And Jim will also do this one.

10 MR. LaTANNER: Crown Poly's loan application is
11 requesting financing a new plastic recycling system that
12 will be used to pelletize post-industrial plastic material
13 created during the manufacturing process. This is a
14 source reduction where the company's current process
15 generates waste. And with this new equipment they'll be
16 able to incorporate that waste back into the product,
17 diverting it from the landfill.

18 This will be Crown Poly's second loan. Their
19 first loan was also for source reduction. They make the
20 plastic produce bags in grocery stores. The first loan
21 took the plastic produce bag and made it a thin diameter
22 just using less plastic. And this will now take some of
23 their waste, incorporate it so it will have a higher
24 recycled content to it.

25 The Loan Committee will meet this Thursday on

1 November 13th, and the results will be presented at the
2 Board meeting.

3 As a result of this loan, the new project will
4 divert an additional 480 tons of post-industrial plastics
5 from the landfills and create four new jobs.

6 Staff recommends that the Committee approve
7 Option 1 and adopt Resolution 2003-485 to approve an RMDZ
8 loan to Crown Poly, Inc., in the amount of 340,000.

9 CHAIRPERSON JONES: Any questions, members?

10 Ms. Peace.

11 COMMITTEE MEMBER PEACE: Okay. I would like to
12 move Resolution Number 2003-485, consideration of the
13 Recycling Market Development Revolving Loan Program
14 application for Crown Poly, Inc.

15 COMMITTEE MEMBER WASHINGTON: Second.

16 CHAIRPERSON JONES: We've got a motion by Ms.
17 Peace, a second by Mr. Washington.

18 And to the maker of the motion, this is going to,
19 as all of ours are -- and I'm just doing it for the
20 record -- this is going to be predicated on the approval
21 by the Loan Committee prior to our Board meeting. We
22 always do that. But it's just always good to say it on
23 the record.

24 And that's good with you and you?

25 Call the roll, please.

1 SECRETARY BAKULICH: Peace?

2 COMMITTEE MEMBER PEACE: Aye.

3 SECRETARY BAKULICH: Washington?

4 COMMITTEE MEMBER WASHINGTON: Aye.

5 SECRETARY BAKULICH: Jones?

6 CHAIRPERSON JONES: Aye.

7 We'll put this forward as fiscal consensus,
8 members. Okay.

9 All right. Next item.

10 DEPUTY DIRECTOR WOHL: Okay. Our last item,
11 Agenda Item 18, Committee Item D, presentation on the
12 Economic Gardening Demonstration Project.

13 And Dossi Pintar has been the project manager for
14 this project, and she will present.

15 (Thereupon an overhead presentation was
16 Presented as follows.)

17 MS. PINTAR: Good afternoon, Committee members.
18 My name is Dossi Pintar and I work in the RMDZ program.

19 This presentation will describe some of the
20 highlights of the Economic Gardening Demonstration
21 Project, which took place between January of 2002 and June
22 of 2003.

23 --o0o--

24 MS. PINTAR: Briefly, economic gardening is a
25 concept in economic development originating in Littleton,

1 Colorado. Historically, economic developers focused their
2 efforts on attracting new companies into their
3 communities, believing that recruitment of new businesses
4 will bring increased revenues and jobs to the area.
5 However, there's been a growing recognition in the field
6 that retention and growth of existing businesses has far
7 more potential to sustain the local economy over the long
8 term than merely attracting new ones. So the concept of
9 economic gardening was born, focusing economic development
10 resources on nurturing existing businesses in the
11 community to foster its economic growth.

12 The types of economic gardening assistance
13 provided to businesses can vary greatly from program to
14 program, depending on the types of businesses, their
15 needs, and the resources available.

16 This Economic Gardening Demonstration Project
17 focused on providing informational data bases to help our
18 RMDZ businesses target and sell to new markets, thereby
19 increasing their sales and/or employment and also their
20 economic and social value.

21 --o0o--

22 MS. PINTAR: The Board's RMDZ program is a market
23 development program designed to provide incentives to
24 recycled content product manufacturers to help them grow
25 and succeed on the assumption that, as they grow, they'll

1 produce and find markets for more RCPs. This, in turn,
2 will increase diversion from California landfills.

3 When staff first learned about economic
4 gardening, we wanted to determine whether and how
5 implementing gardening techniques would enhance the
6 assistance we already provide to our zone businesses.

7 --o0o--

8 MS. PINTAR: The demonstration project was
9 undertaken under contract with a team of professionals out
10 of Cal State San Bernardino to determine whether using
11 economic gardening techniques would enhance our program as
12 it exists, provide additional benefits to our zone
13 businesses, and provide an additional incentive that zone
14 administrators could offer to their businesses. We also
15 wanted to determine the relative merits of implementing an
16 in-house gardening program versus contracting out, and the
17 general feasibility of an in-house program.

18 --o0o--

19 MS. PINTAR: To ensure that the demonstration
20 project truly reflected the full spectrum of RMDZ
21 businesses within the state, the contractor worked with 26
22 different companies in 14 of the 40 zones, including rural
23 and urban zones. These zones spanned the entire state
24 from as far north as North Coast and Shasta zones to as
25 far south as Long Beach and Riverside.

1 Care was taken to include companies that deal
2 with typical RMDZ feed stocks, including plastics, tires,
3 organics, textiles, glass, wood, paper, C&D, and E-waste.

4 --o0o--

5 MS. PINTAR: What differentiates economic
6 gardening from the technical assistance that the RMDZ
7 program already offers is the use of commercial databases
8 of different types to provide customized information to
9 businesses and other customized services.

10 For the most part, the program provided three
11 main categories. First is customized lists of new
12 prospects. By asking the participating companies for
13 lists of their existing companies, the gardening team was
14 able to then develop profiles of those companies and then
15 go back into their databases and identify all other
16 similar companies that may be potential customers for
17 them. This often yielded new categories that company
18 managements may not have considered or known about. The
19 list provided included contact information and mailing
20 list formats.

21 The second type of information was a GIS mapping.
22 The program -- the GIS mapping feature allowed the
23 contractor to make lists of current customers again from
24 the participating businesses, provide maps of their
25 current customers. But also it allowed them to develop a

1 demographic profile of their existing customers, then find
2 geographic areas in the U.S. where similar demographics
3 exist, and locate new areas for them to target their
4 efforts.

5 In one case they took this process a step further
6 and identified specific retail establishments near those
7 areas that would be most likely to sell to their target
8 demographic groups, thereby saving them a lot of time in
9 terms of targeting where they were going to try and sell
10 their products.

11 The third area of focus for the economic
12 gardening project was in source code analysis. Website
13 source code is what tells search engines how to find a
14 particular website. And if that source code is not
15 adequately defined, searchers will not find your company
16 when they do a search.

17 Several participating companies paid website
18 designers considerable amounts of money to do very fancy
19 websites. But they didn't have the appropriate source
20 codes, so that when someone did a search to look for them,
21 they didn't come up. Many participants reported after
22 implementing the economic gardening recommendations that
23 they got considerably more hits to their websites after
24 the gardening team assisted them.

25 In the next few slides I'll describe the results

1 of the demonstration project as they were measured by the
2 contractor. It's important to mention that the project
3 only measured short-term impacts, since the entire project
4 including the final survey was completed over an 18-month
5 period. The contractor assumed, as did many of the
6 project participants, that even greater results would be
7 realized as time went on because sales leads take time to
8 materialize.

9 It is also worth noting that the full potential
10 benefits of an economic gardening program may be difficult
11 to measure because, regardless of how useful the
12 information is, the results will only be realized if the
13 company takes the time that they actually implement and,
14 you know, act on the information. So please keep that in
15 mind as we discuss the specific results of this project.

16 The demonstration project measured results based
17 on reported new sales contacts, actual new sales,
18 increased diversion, and new employees hired.

19 --o0o--

20 MS. PINTAR: First, let's look at sales.

21 Fourteen companies, or 58 percent of those who
22 were given sales data, because not all of them received
23 that kind of assistance, reported that they made new sales
24 contacts using the data they were given.

25 Moreover, 7 companies, 29 percent of those who

1 got the data, reported actual or anticipated new sales on
2 the basis of that information. The dollar amounts of
3 those sales vary considerably, from just \$300 to as much
4 as \$1 million for one of them. Remember, as I mentioned,
5 this study only measured short-term results, so there may
6 very well be additional results since that time.

7 --o0o--

8 MS. PINTAR: Now looking at the results in terms
9 of diversion. Nine companies, or 35 percent who actually
10 participated in the survey, reported actual or anticipated
11 diversion increases as a result of the gardening
12 assistance that they received.

13 The most notable increases were for carpeting,
14 tires, organics, and E-waste. Once again, it is
15 anticipated that additional long-term results will yield
16 additional diversion over time.

17 --o0o--

18 MS. PINTAR: Overall, the general consensus among
19 the project participants was that the economic gardening
20 program was beneficial to them. Nearly all of them felt
21 that additional sales would eventually result from the
22 gardening information they received once they followed up
23 on all of it.

24 Most of them, that's three-fourths, said the
25 project offered value to their business, and two-thirds

1 stated that they hoped the Board would offer a permanent
2 ongoing economic gardening program.

3 --o0o--

4 MS. PINTAR: As an example of what economic
5 gardening can accomplish I thought I'd focus on a -- or
6 highlight a couple of successes.

7 L.A. Fiber is a RMDZ business that you're -- some
8 are familiar with, located in the L.A. County zone. They
9 are a textile and carpet recycler. Most recently they've
10 focused the majority of their efforts on carpet recycling.

11 When the team first started working with them --
12 and they were our first participant in the project -- they
13 were looking for information to help them identify new
14 markets for the Nylon 6 and Nylon 66, which they get from
15 post-consumer carpeting. They were particularly
16 interested in finding new markets in the U.S., but also in
17 Asia, which is an area -- a market that they had not
18 tapped previously.

19 The team used L.A. Fibers' list of current
20 customers to develop a list of similar companies
21 throughout the U.S. They also helped L.A. Fiber contact
22 overseas trade offices, getting lists of potential
23 customers, at which ultimately led to them making some
24 sales in Taiwan and China that they would not have made
25 otherwise.

1 And as you can see from the slide, L.A. Fiber
2 reported a 20 percent increase in sales and an estimated
3 3,500 tons per month of diversion based on their
4 participation in this project. This was at the time of
5 the survey.

6 Another gardening success story, also in L.A.
7 County. I'm a little planted there.

8 Three D Traffic Works. This company is also
9 located in the L.A. County zone. They make traffic
10 control equipment from recycled plastic and bases from
11 recycled tire rubber. They were interested in finding new
12 markets for their traffic control equipment. The team
13 utilized commercial databases to provide them with 400
14 business contacts in four different sectors, some of which
15 they had not previously looked at.

16 And the team also helped them identify -- using
17 actually web research, helped them get information about
18 100 airports around the country. This was information
19 that they had not had previously.

20 The company followed up on the information
21 provided. And they estimated that they would achieve
22 about \$1 million in new sales on the basis of that
23 information, as well as five tons per week of tire rubber
24 diverted. So that was a substantial benefit that they
25 achieved from this project.

1 --o0o--

2 MS. PINTAR: The positive results obtained by the
3 demonstration project offer a few lessons that I'd like to
4 highlight.

5 First of all, use of gardening techniques can
6 enhance the technical assistance services already provided
7 by the RMDZ program.

8 Second, utilizing the customized economic
9 gardening information and assistance can result in
10 increased growth and success of RMDZ businesses, which can
11 result in increased diversion of materials from California
12 landfills. Also, it's important to get cooperation from
13 company management -- the cooperation and collaboration
14 when providing gardening services since companies must
15 take action on the information in order for there to be
16 any measurable results in terms of sales or diversion.

17 And one final lesson. The demonstration project
18 showed that gardening techniques can be used to help both
19 growing companies as well as start-ups.

20 --o0o--

21 MS. PINTAR: Staff is exploring the feasibility
22 of establishing an in-house economic gardening program.
23 The contractor emphasized that although you can use all
24 different kinds of databases and approach economic
25 gardening in a number of ways, that really the most

1 efficient use of resources in our case is to help
2 companies identify market opportunities. Smaller
3 companies in particular often do not have access to the
4 kind of information that was provided by this Economic
5 Gardening Demonstration Project.

6 --o0o--

7 MS. PINTAR: The contractor recommended an
8 incremental approach to establishing our in-house program,
9 and staff concurs. This would allow staff the time to
10 fully explore each phase before pursuing the next.

11 Phase 1 would be to secure several commercial
12 databases. And those that have been identified in the
13 agenda item. Three databases were recommended by the
14 contractor. Use of all three compensates for minor
15 product deficiencies and allows for more thorough and
16 accurate information.

17 Staff is still researching the costs of initial
18 and ongoing use of these products. And staff anticipates
19 that Phase 1 will be underway by the end of 2004. That's
20 an estimate.

21 Phase 2 would involve developing in-house
22 expertise to provide website consultation services,
23 particularly in terms of source code analysis. Further,
24 research and discussions with IMB are needed to determine
25 if those resources already exist in-house, whether there's

1 adequate staffing and funding to be able to offer them to
2 RMDZ businesses, or whether additional resources or
3 possibly even outsourcing would be more appropriate.
4 Staff anticipates this phase will be underway six months
5 after Phase 1.

6 Phase 3 would be to add more sophisticated
7 GIS-based capabilities to the economic gardening program.
8 Research and discussions with IMB are needed to determine
9 if the Board's current GIS programs and capabilities could
10 be accessed and tailored to the needs of RMDZ businesses
11 and whether current staffing and funding would be able to
12 support the needs of this option. A specific timeline for
13 this phase is not yet available.

14 And, finally, Phase 4 would involve basically
15 exploring other databases and determining whether there
16 might be additional benefits that we could add to enhance
17 the effectiveness of our program.

18 --o0o--

19 MS. PINTAR: And a final note. The addition of
20 economic gardening to the RMDZ Technical Assistance
21 Program can only serve to enhance the RMDZ program,
22 further support zone administrators, support the RCP
23 business community, result in increased growth of recycled
24 content product companies through increased sales, and
25 ultimately result in increased diversion.

1 This concludes my presentation.

2 CHAIRPERSON JONES: Thank you, Ms. Pintar.

3 Any questions, members?

4 This is good, important stuff. And I think that
5 it falls right in line with what the zone works was
6 talking about last week. We had a lot of speakers that
7 talked about growing -- finding the opportunities within
8 their existing business and growing it. And I think that
9 that is key.

10 So, you know, hopefully we're going to start
11 connecting some other dots where we can talk to the
12 planning side and part of the market side on some programs
13 of identifying businesses, that may not even know they
14 could use recycled content, and matching them with this
15 kind of thinking. And we may be able to build that
16 existing business in some areas that just keep enhancing
17 opportunities for us to get stuff out in the market place.

18 So great job. Thank you.

19 MS. PINTAR: Thank you.

20 COMMITTEE MEMBER WASHINGTON: I've got one
21 question.

22 CHAIRPERSON JONES: I'm sorry, Mr. Washington.

23 COMMITTEE MEMBER WASHINGTON: How long did it
24 take Cal State Riverside -- was it Riverside or San
25 Bernardino?

1 MS. PINTAR: San Bernardino.

2 COMMITTEE MEMBER WASHINGTON: How long did it
3 take them to complete this project?

4 MS. PINTAR: The project took 18 months. That
5 was from beginning design all the way through the final
6 survey and the final report.

7 COMMITTEE MEMBER WASHINGTON: Okay. Thank you.

8 COMMITTEE MEMBER PEACE: What databases did you
9 use in the study?

10 MS. PINTAR: Well, the databases that were used
11 were just like the business databases were -- and
12 they're -- it's in the agenda item. Market -- let's see.
13 Market share, Reference U.S.A. and -- I don't remember the
14 third one -- market something. And then they have a
15 GIS-based database that -- I don't know whether we would
16 go with that one because we already have some in-house
17 capability with GIS. We may not have to go -- because
18 that's like really the big one. But the ones we're
19 proposing initially are the three --

20 COMMITTEE MEMBER PEACE: So that's what you'll be
21 deciding, whether you're going to keep going with the ones
22 you've used in the study or if you're going to do some of
23 it in-house?

24 MS. PINTAR: Right, right. We've tested one of
25 them. One of them I wasn't able to reach -- they don't

1 call back. I don't know how they stay in business. But I
2 was able to reach one of the sales reps, who allowed us to
3 play around with one of the databases for awhile. And we
4 were able to use it and test it and see situations that
5 came up and see how we could apply this database in our
6 everyday efforts. And it was very good. It was --
7 because previously the contractor had used the databases.
8 And they're easy to use, and they can help us with a lot
9 of different kinds of projects.

10 And by having all three, we should be able to
11 kind of, you know, get at some of the problems that can
12 exist with databases. You know, one corrects the other,
13 kind of. You know, I mean like Dunn & Bradstreet has
14 certain limitations and Yellow Pages has certain
15 limitations. When you combine them you get a better
16 picture of what's out there.

17 DEPUTY DIRECTOR WOHL: I think the other thing
18 we're hoping is that it does relieve the pressure, as the
19 RMDZ loan being their only service that we provide, you
20 know, we want to have kind of a multi-selection of
21 technical expertise that we give you beyond just the loan
22 money, you know, to help this.

23 COMMITTEE MEMBER WASHINGTON: It's a full
24 demonstration project in Colorado?

25 MS. PINTAR: Well, in Colorado it's an existing

1 program that's been going on for a number of years. But
2 it's broader than ours because it's like all the
3 businesses in Littleton, Colorado. So they're dealing
4 with real estate brokers, you know --

5 DEPUTY DIRECTOR WOHL: Yeah, I think what
6 Littleton found is that -- I think all of their industry
7 was focused on the naval missile, whatever -- kind of the
8 government, and it went under at one point or it stopped
9 and basically the town was going to shut down. So they
10 brought this in to say, "How can we kind of foster our own
11 businesses in this community?" And so there's articles on
12 it we can share with you. And, you know, it was amazing
13 what they accomplished.

14 COMMITTEE MEMBER PEACE: Are there any sort of
15 databases available at the State library that would work
16 for --

17 MS. PINTAR: The only one that the contractor
18 used that are available at the State library is the
19 Lexis-Nexis, which is more for literature searches. To my
20 knowledge, the other ones that they used are not
21 available. They're kind of -- as far as I know, they're
22 not available.

23 COMMITTEE MEMBER PEACE: Okay. Thank you.

24 CHAIRPERSON JONES: Okay. Thank you, Ms. Wohl.

25 Mr. Schiavo.

1 DEPUTY DIRECTOR SCHIAVO: All right. We're
2 almost organized. Okay.

3 CHAIRPERSON JONES: All right. Everybody ready?
4 Almost, huh?

5 You're asking for other people to take a seat up
6 front. Beautiful.

7 All right, Mr. Morales.

8 Go ahead, Mr. Schiavo. Give your Deputy
9 Director's report.

10 DEPUTY DIRECTOR SCHIAVO: Pat Schiavo, Diversion,
11 Planning and Local Assistance Division.

12 Regarding the AB 75 program, we currently have a
13 non-response rate this year of 20 state agencies. And we
14 have about a dozen of those that are less than 25 percent.
15 So next month you'll be seeing an item that will be
16 requesting direction on how you want to proceed with these
17 state agencies.

18 CHAIRPERSON JONES: How many out of all? Twenty?

19 DEPUTY DIRECTOR SCHIAVO: About 450.

20 CHAIRPERSON JONES: So 20 didn't respond out of
21 all 450?

22 DEPUTY DIRECTOR SCHIAVO: Yeah. So we've done
23 pretty well.

24 CHAIRPERSON JONES: That's pretty good.

25 DEPUTY DIRECTOR SCHIAVO: Pretty good,

1 especially --

2 CHAIRPERSON JONES: In the economic atmosphere
3 that we're in, I would have -- I'm pleasantly surprised.

4 DEPUTY DIRECTOR SCHIAVO: Yeah. So it's gone
5 well.

6 We just completed a survey to local jurisdictions
7 regarding the status of large public venues within the
8 jurisdictions. We got back a 62-percent response rate,
9 which we were really happy with. We're going to use that
10 information for peer matching and technical assistance.
11 And next month you'll be hearing an item also regarding
12 the status of large public venues, what we've done with
13 the website as well as technical assistance and where we
14 want to go. So that's going really well.

15 We received in the nick of time our signed
16 compliance plan from the City of Lynwood. So we now have
17 all compliance plans in to the Board. So none outstanding
18 at this point in time.

19 And part of our School Deal Program is that we're
20 required to go out with a survey to all schools to find
21 out their status in implementation of diversion programs
22 at those schools. And so we plan -- by about the end of
23 this month, we'll have the survey out to all the school
24 districts to find out. And then we anticipate probably
25 springtime we can bring the results forward to the Board.

1 COMMITTEE MEMBER WASHINGTON: All school
2 districts in the state of California?

3 DEPUTY DIRECTOR SCHIAVO: All school districts,
4 yeah. Over 1,100.

5 And then we also -- through that survey we want
6 to try to get the status of the schools within the
7 districts as well. So that's a huge task.

8 Last time, a couple years ago, we had a response
9 rate of about 50 percent. So we did really well on that.
10 We're really pleased.

11 COMMITTEE MEMBER PEACE: Wasn't there a bill that
12 required that, to do a survey and then to find out how
13 many schools were actually doing diversion?

14 DEPUTY DIRECTOR SCHIAVO: Right.

15 COMMITTEE MEMBER PEACE: That you find out --
16 what did it say? Like if less than 75 percent of the
17 schools were doing diversion, we had to come up with a
18 program?

19 DEPUTY DIRECTOR SCHIAVO: Right. Yeah, SB 373.

20 COMMITTEE MEMBER PEACE: Okay. So that's what
21 this study's -- just to try to see how many --

22 DEPUTY DIRECTOR SCHIAVO: Yes. And one of the
23 challenges will be to actually come up with a percentage,
24 just because of the -- you know, what does a program
25 really mean when you're implementing at schools? And so

1 we'll have to figure that out, to find it as we get the
2 information. Especially when, you know, if you're happy
3 with a 50-percent rate, then how do you determine what it
4 is statewide, because you're not going out with a
5 statistically significant sample. I mean it's a random
6 survey you're receiving, so that makes it really tough.

7 And then finally, because of the fires down south
8 and the disasters that we've seen, the Waste Analysis
9 Branch staff have put together information that's gone on
10 our Disaster Waste page. And so that's up there for local
11 jurisdictions. The Office of Local Assistance staff is
12 also prioritizing those jurisdictions, mostly the need to
13 find out how can we help them, you know, divert the
14 materials and put together disposal waivers so they don't
15 have any negative impacts as a result of this. So we're
16 moving forward on that as well.

17 Okay. So that concludes my report to you.

18 CHAIRPERSON JONES: Okay. How about Item 21?

19 DEPUTY DIRECTOR SCHIAVO: Okay. Item No. 21 is
20 consideration of the amended NonDisposal Facility Element
21 for the unincorporated area of Tulare County.

22 And Jennifer Bartholomew will present this item.

23 MS. BARTHOLOMEW: Good afternoon, Chairman and
24 Committee members.

25 The unincorporated area of Tulare County has

1 amended its NonDisposal Facility Element, NDFE, by
2 identifying and describing three new facilities and
3 changing the name of an existing facility.

4 The three new facilities will serve the
5 unincorporated northern portions of Tulare County, the
6 City of Dinuba, southern portions of Fresno County, and
7 the City of Orange Cove.

8 The Permits and Enforcement Division will be
9 presenting an agenda item for the proposed permits for
10 these facilities in the future.

11 The county has submitted all required
12 documentation. And the Board staff, therefore, recommends
13 approval of the amendment to Tulare County's NDFE.

14 This concludes my presentation.

15 CHAIRPERSON JONES: Do any members have questions
16 of Jennifer? I think this is Jennifer's first time in
17 front of this Board.

18 (Laughter.)

19 CHAIRPERSON JONES: She did a good job.

20 DEPUTY DIRECTOR SCHIAVO: I wasn't going to say
21 anything.

22 CHAIRPERSON JONES: You did a good job.

23 MS. BARTHOLOMEW: Thank you.

24 COMMITTEE MEMBER WASHINGTON: She did a quick
25 good job.

1 CHAIRPERSON JONES: That's right. We like that.

2 We like quick and we like good.

3 All right. Can I get a motion?

4 COMMITTEE MEMBER WASHINGTON: Mr. Chairman?

5 CHAIRPERSON JONES: Yes, sir, Mr. Washington.

6 COMMITTEE MEMBER WASHINGTON: I'd like to move

7 adoption of Resolution 2003-489, consideration of the

8 amended NonDisposal Facility Element for the

9 unincorporated area of Tulare County.

10 COMMITTEE MEMBER PEACE: Second.

11 CHAIRPERSON JONES: We've got a motion by Mr.

12 Washington, a second by Ms. Peace.

13 Jeannine, could you call the roll.

14 SECRETARY BAKULICH: Peace?

15 COMMITTEE MEMBER PEACE: Aye.

16 SECRETARY BAKULICH: Washington?

17 COMMITTEE MEMBER WASHINGTON: Aye.

18 SECRETARY BAKULICH: Jones?

19 CHAIRPERSON JONES: Aye.

20 For consent, members?

21 Okay. Done.

22 Item 22.

23 DEPUTY DIRECTOR SCHIAVO: This is consideration

24 of the amendment to the Butte Regional Waste Authority's

25 Regional Agency Agreement.

1 And Kyle Pogue will present.

2 MR. POGUE: Good afternoon. I'll make this
3 quick.

4 CHAIRPERSON JONES: That's a boy.

5 (Laughter.)

6 MR. POGUE: In September 2000 the Board approved
7 the Regional Agency Formation Agreement for the Butte
8 Regional Waste Management Authority, BRWMA. This region
9 included the Town of Paradise, City of Biggs, and the
10 unincorporated areas of Butte County. Effective October
11 2003 this Regional Agency Formation Agreement was amended
12 to add the City of Gridley to the regional agency.

13 Staff recommends that the Board approve the
14 amended Regional Agency Formation Agreement for the Butte
15 Regional Waste Management Authority.

16 That concludes my part of the presentation. If
17 you have any questions, Steve Rodowick came down and is
18 available to answer questions.

19 Thanks.

20 CHAIRPERSON JONES: We appreciate it.

21 Ms. Peace.

22 COMMITTEE MEMBER PEACE: I just had a couple.

23 With Gridley moving into the BRWMA, they're
24 moving out of the Yuba-Sutter Regional Agency?

25 MR. POGUE: That's correct.

1 COMMITTEE MEMBER PEACE: Okay. Will they still
2 be contiguous? Was this going to be a contiguous group?

3 MR. POGUE: Yeah. Gridley is actually in Butte
4 County. So before they were a member of a regional agency
5 when they were outside of the county, which was kind of an
6 interesting situation.

7 COMMITTEE MEMBER PEACE: Yeah. So this is
8 actually better for them?

9 MR. POGUE: Yes, it makes more sense for them for
10 several reasons.

11 COMMITTEE MEMBER PEACE: What is -- I can see
12 that the diversion rate is not very high in Gridley. And
13 I realize it's small and it's rural. But what benefit is
14 it to the BRWMA to bring Gridley into their regional
15 agency?

16 MR. POGUE: Maybe that's a better question for
17 Steve to answer. I'll be glad to give some input on that
18 as well if need be.

19 MR. RODOWICK: Good afternoon.

20 Actually --

21 CHAIRPERSON JONES: Could you identify yourself
22 please.

23 MR. RODOWICK: My name is Steve Rodowick,
24 Recycling Coordinator, Butte County.

25 Gridley in Year 2000, their stand-alone year when

1 they were between agencies, had a 52-percent diversion
2 rate. So it does benefit the county to bring them on.

3 They're predominantly a single-family residential
4 bedroom community. They have -- since they left the
5 agency in Yuba-Sutter they have instituted a three-can
6 curbside recycling system, where they hadn't had that
7 previous. And their recycling rate has seen a substantial
8 increase. So it will benefit us at the Butte Regional
9 Agency.

10 COMMITTEE MEMBER PEACE: Okay. Was Gridley on a
11 1066 time extension?

12 MR. RODOWICK: They were part of a Yuba-Sutter
13 Regional Agency 1066. And I'm not familiar with that.
14 But Butte is also under a 1066 that runs through December
15 2005.

16 COMMITTEE MEMBER PEACE: Okay. Thank you.

17 CHAIRPERSON JONES: Questions, Mr. Washington.

18 No.

19 All right. Motion?

20 COMMITTEE MEMBER PEACE: Mr. Chairman?

21 CHAIRPERSON JONES: Ms. Peace.

22 COMMITTEE MEMBER PEACE: Okay. I'd like to move
23 Resolution No. 2003-490, consideration of the amendment of
24 the Butte Regional Waste Management Authority's Regional
25 Agency Agreement.

1 COMMITTEE MEMBER WASHINGTON: Second.

2 CHAIRPERSON JONES: We've got a motion by Ms.
3 Peace, a second by Mr. Washington.

4 Substitute the previous roll?

5 On consent, members?

6 Thank you.

7 Next item.

8 DEPUTY DIRECTOR SCHIAVO: Okay. Item 23,
9 Committee Item J, is consideration of the five-year review
10 report of Sacramento County's Integrated Waste Management
11 Plan.

12 And Kyle will also present this item.

13 MR. POGUE: The County of Sacramento has
14 submitted a report regarding its five-year review of the
15 Countywide Integrated Waste Management Plan, or CWIWMP.

16 In concurrence with the local task force, the
17 County determined that no revisions to the CWIWMP were
18 necessary at the time of the review.

19 This report does identify that the County will be
20 developing a plan addressing a regional approach to
21 integrated waste management in the event of a disaster.
22 Also, the county plans to address the need to ensure
23 long-term funding for refuse, recycling, and green waste
24 collection services as areas of the county incorporate and
25 potentially impact program solvency.

1 Board staff evaluated the review report and
2 agrees that the CWIWMP elements adequately represent the
3 waste management directions and priorities the county and
4 cities within the counties should continue to pursue into
5 the future. Therefore, it is staff's recommendation that
6 the Board approve the county's five-year review report.

7 That concludes my presentation. I believe both
8 Doug Cobalt and Pat Quinn with Sacramento County are
9 available if there are any questions.

10 CHAIRPERSON JONES: Mr. Washington.

11 Kyle, in terms of their -- you mention their
12 regional plan for the disasters. And that's very
13 important. As you see down in southern California, in
14 that region now I think they're having the same issue
15 right now as it relates to how they integrate working
16 together on this disaster plan.

17 When will the Sacramento County folks have their
18 disaster plan put together?

19 MR. POGUE: That's a good question. Maybe Pat or
20 Doug can answer that.

21 MR. QUINN: Good afternoon, members of the Board.
22 My name is Patrick Quinn. I'm the Planning Program
23 Manager for Sacramento County.

24 We added this disaster planning element as a
25 looking forward, something we saw that needed to be done.

1 We have not yet established a timetable for doing so.

2 COMMITTEE MEMBER WASHINGTON: And, by the way,
3 that's a great idea, too.

4 MR. QUINN: Well, we thought it was something
5 that was missing. If we were to have a local disaster
6 issue, I'm afraid that much of the material would end up
7 in disposal. And we certainly would lack a regional
8 coordinated approach. So that's where we were heading.
9 But we have not established a workplan. This was our
10 first effort to put the issue on the table.

11 COMMITTEE MEMBER WASHINGTON: All right, good.
12 So is there an approximate timing that you're looking at
13 trying to put this together? Because I think -- and the
14 reason I'm asking you is because I think it says present
15 in terms of all of our counties coming up with the same
16 type of operation, because we all have areas where they
17 have the trees and things of that nature that need to be
18 addressed, and we want to make sure everyone is working
19 together to get to that point.

20 So I'm not trying to put you on the spot here.
21 If you don't have a timing for it, that's fine. I just
22 thought maybe you can give us --

23 MR. QUINN: We saw it as a missing element there
24 in an integrated approach certainly and an opportunity for
25 regional cooperation. But we -- I'm afraid we've got a

1 lot of priorities. And so we have not established a
2 workplan with a schedule at this point in time.

3 COMMITTEE MEMBER WASHINGTON: All right. Thank
4 you.

5 CHAIRPERSON JONES: Great.

6 Any other questions, members?

7 Ms. Peace.

8 COMMITTEE MEMBER PEACE: Okay. I would like to
9 move Resolution No. 2003-491, consideration of the
10 five-year review report of the Sacramento County's
11 Integrated Waste Management Plan.

12 Thank you.

13 Second?

14 COMMITTEE MEMBER WASHINGTON: Second.

15 CHAIRPERSON JONES: All right. We've got a
16 motion by Ms. Peace, a second by Mr. Washington.

17 Substitute the previous roll, members?

18 Put it on consent?

19 Thank you. So done.

20 All right.

21 COMMITTEE MEMBER PEACE: Can I ask a general
22 question of the staff about the five-year review.

23 CHAIRPERSON JONES: Sure.

24 COMMITTEE MEMBER PEACE: And they had put in a
25 disaster plan that they're going to be working on. So

1 that's not necessarily something that's required in a
2 five-year review; that's just something they decided to
3 put in theirs?

4 MS. MORGAN: That's correct. It's something they
5 decided they felt it was a gap in their program. But it's
6 not required for them to do as a part of it.

7 COMMITTEE MEMBER PEACE: Thank you.

8 COMMITTEE MEMBER WASHINGTON: Is there any kind
9 of way we could make that a requirement?

10 (Laughter.)

11 COMMITTEE MEMBER WASHINGTON: Well, we can talk
12 about it later. That's okay.

13 CHAIRPERSON JONES: It is a good idea. And there
14 are some good programs that you could look at, San
15 Francisco being one. We had ours in place before the
16 earthquake. And I know southern Cal has -- some of those
17 jurisdictions have them. So there's some template already
18 put together that they'd probably share with you.

19 But it's good thinking on your part.

20 All right. Agenda Item 24.

21 DEPUTY DIRECTOR SCHIAVO: Okay. Item 24,
22 Committee Item K, is consideration of the Los Angeles Area
23 Integrated Waste Management Authority Regional Agency
24 Formation Agreement for 14 cities.

25 And Phil Morales will present this item.

1 MR. MORALEZ: Good afternoon, Committee Chairman
2 Jones and Board members.

3 I would like to summarize some of the key points
4 surrounding this item, beginning with a letter to the
5 Board dated January 30th, 2003. In that letter the City
6 of Los Angeles announced the formation of the Los Angeles
7 Area Integrated Waste Management Authority, a Joint Powers
8 Authority, hereto referred to as JPA, currently
9 representing its members, and requested Board staff to
10 prepare an agenda item for the Board to consider approving
11 the Los Angeles Regional Agency, referred to as LARA. The
12 letter requested that the regional agency be scheduled for
13 Board consideration at the March 2003 Board meeting.

14 On February 18th, 2003, staff had a conference
15 call with Ms. Karen Coca with the City of Los Angeles, the
16 manager for the LARA, to discuss Board staff's initial
17 review of the documentation submitted for the formation of
18 the regional agency.

19 On March 5th, 2003, a written response was sent
20 as a follow-up to the conference call of February 18 to
21 Ms. Coca. The letter identified both procedural issues as
22 well as substantive issues that needed to be addressed
23 before their request for placing the regional agency on
24 the Board agenda for consideration.

25 Those issues identified in the letter included

1 missing signature pages for the cities of Los Angeles,
2 Gardena, Rosemead, and South Gate. Those signature pages
3 were needed if the cities were to be considered part of
4 the JPA as identified in the initial request submitted by
5 Ms. Coca.

6 In addition, other issues identified in the
7 letter included the process of adding or deleting members
8 to the LARA once the Board had given approval to the
9 regional agency. The factors for determining the
10 diversion rate for LARA could be problematic given the
11 existing and potential jurisdictions that could not --
12 could become part of the agency:

13 The need to continue implementing programs for
14 those in the member jurisdictions that are currently on an
15 SB 1066 time extension or a compliance order; and the fact
16 that three members of the JPA were on compliance orders
17 and the need to go forward with an issuance of a
18 compliance order to the regional agency since they were
19 incorporating these cities into the JPA.

20 After reviewing the documentation submitted by
21 the City of Los Angeles, Board staff scheduled the LARA as
22 an agenda item for July 15th-16th Board meeting for
23 consideration. However, the Committee and Board were
24 informed by Board staff that a 60-day notice to confer
25 regarding the potential issuance of a compliance order and

1 fines had been sent to the City of Gardena, who was listed
2 as a member of the JPA and as part of the LARA.

3 At the July 15th, 2003 Board meeting, Board
4 members asked specific questions regarding the legal
5 issues that needed to be addressed prior to the Board
6 taking action. Attachment 3 of the agenda item was
7 specifically prepared by Board legal staff in response to
8 the questions raised by the Board at that meeting.

9 Now, in public testimony given by the LARA
10 manager on July 8th, 2003, before this Committee, and on
11 July 15th, 2003, before the Board, Ms. Coca noted that as
12 a regional agency they would be in a better position to
13 work with local jurisdictions in resolving issues before
14 the Board. Specifically in regards to Gardena, extensive
15 comments were made that they would work with the city
16 manager's office in meeting the requirements of the
17 compliance order.

18 Based on legal questions raised by the Board that
19 needed to be addressed and the fact that a notice had been
20 sent to the City of Gardena that could result in the
21 imposition of fines, the item was continued until the
22 August 12th-13th, 2003, Board meeting.

23 Two weeks later we were informed that Gardena was
24 no longer a part of the JPA. At that time, Board staff
25 made a request that a legal opinion regarding the JPA

1 status was needed. However, a few days prior to the Board
2 meeting on August 12th-13th, the LARA manager sent a
3 letter to the Board Chair asking that the item be pulled.
4 In addition, the Board was notified that the City of
5 Gardena was voluntarily withdrawing from the JPA and was
6 not part of the proposed LARA. Based on the letter
7 received, the Chair asked that the LARA consideration item
8 be pulled.

9 As staff began to review the numerous
10 correspondence surrounding this item, there appeared to be
11 some significant inconsistencies. Those inconsistencies
12 included:

13 The on and off relationship of the City of
14 Gardena as a member of the JPA and LARA.

15 The new statement that the JPA wasn't a duly
16 authorized JPA until the Board had approved the LARA.
17 This statement was inconsistent with the prior
18 correspondence from the city and from resolutions enacted
19 by the member jurisdictions' city councils that authorized
20 execution of a Joint Powers Agreement.

21 Inconsistent statements from public testimony
22 that they, LARA, will work with cities like Gardena and
23 then within two weeks remove said city from the LARA.

24 The apparent unilateral removal of the City of
25 Gardena without the due processes identified and the JPA

1 agreement raises serious questions that can have legal
2 ramifications.

3 As an example of additional inconsistencies that
4 raised staff's concern regarding the LARA is illustrated
5 in Agenda Item Attachments 4 and 5a.

6 Attachment 4 is a September 11, 2003, letter to
7 the Board Chair asking that the LARA item be scheduled for
8 the Board's consideration. Attached to that letter is a
9 form letter of clarification signed by several of the
10 members of the JPA noting that they, the members, concur
11 with the voluntary withdrawal of the City of Gardena and
12 that they concur that an amended Joint Powers Agreement
13 has been submitted to the Board.

14 However, this letter is inconsistent with the
15 letters received by Elliot Block, Board Staff Counsel,
16 dated October 6th, 2003, Attachment 5a of your item, that
17 the JPA has not been amended by letters of clarification
18 and that staff have contacted the City of Gardena
19 regarding a letter and other written communications
20 regarding their delayed participation in LARA, and we do
21 not anticipate receiving such a letter at this time.

22 At this time, we have not received any
23 documentation that the city has voluntarily withdrawn from
24 the JPA.

25 Based on the inconsistencies noted and for the

1 four reasons described in the agenda item, staff is
2 recommending the Board deny the request to approve LARA.

3 This concludes staff's presentation. The city is
4 present to answer questions. Staff is available to answer
5 questions as well.

6 CHAIRPERSON JONES: Questions, members?

7 Mr. Washington.

8 COMMITTEE MEMBER WASHINGTON: Thank you, Mr.

9 Chair.

10 In terms of this letter, staff called the City of
11 Gardena to question whether they had pulled out of this
12 JPA operation. And let me finish. Then you can answer.
13 And based on what I understood from our previous hearing
14 on this, that there were -- the City of Gardena as well as
15 two other cities could have jeopardized -- or put them in
16 a compliance order. I remember the conversation pretty
17 clearly. And I was told then by Ms. Coca -- Karen Coca
18 with the City of Los Angeles, who was putting together
19 this formation, that they will be okay and that they're
20 willing to work with them.

21 And I'm trying to make sure I'm clear in
22 understanding what took place here.

23 So after that then we get -- the conversation
24 starts as to staff working with Ms. Coca in terms of,
25 "Okay, if Gardena's pulling out, where are the documents

1 that suggest that?"

2 Are you suggesting to us today that you have
3 received absolutely nothing from Gardena or Ms. Coca
4 suggesting that Gardena has pulled out of this JPA
5 authority?

6 MR. MORALEZ: To answer your questions, Board
7 Member Washington, in regards to our discussions with the
8 City of Gardena, we have yet to receive anything from them
9 and in a dialogue with them that they had planned to
10 withdraw from the JPA.

11 In regards to a response from Ms. Coca's office,
12 we have essentially the letter written by their legal
13 counsel saying that we won't be getting a letter from the
14 City of Gardena noting their withdrawal.

15 So the reality is Gardena, as far as we
16 understand in our conversation as of yesterday, is still
17 considered as part of the JPA.

18 COMMITTEE MEMBER WASHINGTON: And so it sounds
19 like to me that the City of Los Angeles is taking on its
20 own to put them out of the JPA.

21 MR. MORALEZ: That's a question that we raised.
22 The processes identified in the Joint Powers Authority
23 agreement has specific processes by which members may
24 either withdraw, which requires them to submit a letter of
25 180 days notice, or the process of where they can hold a

1 meeting and by vote of the membership have them withdrawn
2 from the JPA.

3 COMMITTEE MEMBER WASHINGTON: And neither has
4 occurred?

5 MR. MORALEZ: We're not aware of either one of
6 those two occurring.

7 CHAIRPERSON JONES: Ms. Peace, any questions?

8 You want to hold off for a little bit?

9 Okay. Ms. Coca is our speaker.

10 MS. COCA: Good afternoon. Chairman Jones,
11 members of the Board, all the Board staff.

12 Hi, Steve. How are you?

13 It's okay. You can smile at me. It's allowed.

14 (Laughter.)

15 MS. COCA: Well, first of all, I want to start by
16 apologizing, because I had no intention for this process
17 to become in any way adversarial. And I don't enjoy it.

18 When I started this effort two years ago to bring
19 cities together to work on what we thought was
20 streamlining and also making things easier for everyone,
21 as well as being able to implement some regional programs,
22 the intention was for everyone to win by this process.
23 What's happened since July, unfortunately, has resulted in
24 a lot of confusion on everyone's part obviously.

25 I appreciate that the item -- the Board item --

1 which I got the staff report last Wednesday. So
2 unfortunately we were unable to arrange for anyone else to
3 be able to come today. But the staff report, which I got
4 last Wednesday, I appreciate finally getting in writing
5 all of the issues and all of the concerns in one document,
6 because it's been very difficult through this process with
7 conference calls rather than, you know, written
8 documentation back and forth.

9 I am not a lawyer. So the analysis of things on
10 the basis of this and that and the other thing, I rely on
11 the folks that are the legal counsel.

12 So I would like to make some comments based on --
13 without -- I'm not going to go into every detail of what
14 was said or not said. I just want to try again to clarify
15 what our intention was and hopefully help you to
16 understand.

17 Obviously, at this point, there is a decision to
18 be made, and the staff is recommending that you deny the
19 request to create LARA.

20 Let's see. The findings -- I just want to go
21 straight to the heart of it. I'm not much good at talking
22 around things. Basically, the staff report recommends
23 that LARA be denied. And there are four findings in the
24 staff report that are made to support that denial.

25 The four findings include three that are

1 interrelated. And they all relate to the city of Gardena
2 and they all relate to whether -- or the status of the
3 JPA, let's say; I don't know what the legal term is --
4 whether we actually have become a real JPA or not
5 basically.

6 The fourth one actually is a concern of Board
7 staff about individual -- having individual members'
8 disposal diversion. And I think that the staff report in
9 many places, as well as the JPA agreement in Section 14,
10 which I can read to you, says over and over again that not
11 only are we encouraging people to meet all the
12 requirements; we're saying they have to.

13 And again and again through the staff report it
14 also says we have to meet the requirements. So I'm not
15 sure where the concern is. The information will be there.
16 We've already said -- and it does say at least twice in
17 the staff report, and I can point them out specifically
18 where we have said, yes, this individual information will
19 still be available.

20 But let's go to the main issue. And the main
21 issue is the JPA and the status of the City of Gardena.

22 The second thing I'd have to apologize for is my
23 overconfidence. I fully expected that I would be able,
24 after speaking to Chair Jones, to go back to L.A. and sit
25 down and put everything together before that penalty

1 hearing to try to help Gardena. I was unable to assist.
2 It was my failure. I tried but wasn't able. I also tried
3 but wasn't able to receive a written letter from Gardena
4 saying that it's okay if they stay out of LARA until they
5 get their local issues taken care of. Because what I saw
6 was that -- and the other potential members of LARA saw --
7 was that it wasn't just the penalty but also the
8 changeover in their system; which is not going to go
9 smoothly, and has not gone smoothly, and it's not a big
10 surprise, that it's going to take them some time to
11 implement programs and get things settled down.

12 And for the other members -- and the reason that
13 the clarification was sent to staff, so that they would
14 understand that the proposed members for LARA felt that
15 they needed to spend time. But the opportunity was
16 afforded them to just say, "Okay, we know we have more
17 work to do and we're going to do it." They've indicated
18 that they understand that verbally, but --

19 CHAIRPERSON JONES: Gardena?

20 MS. COCA: Yes. But I have gotten no written
21 correspondence. So I have nothing to give to you.

22 As far as whether the JPA has been in effect or
23 not -- now I'm not a lawyer. So I'm just going to go back
24 to the clarification letter that my counsel sent when
25 things got so confusing for me in conference calls with

1 the deputy director and counsel, that I felt like I had to
2 refer it to counsel, because these were legal issues. We
3 had spoken about these things over and over in the
4 formation meetings when we put the JPA together and talked
5 about how this thing would work.

6 CHAIRPERSON JONES: With your county lawyer? Or
7 city council -- with city council -- city attorney, I
8 mean?

9 MS. COCA: No, with the other cities.

10 CHAIRPERSON JONES: Okay. But no city attorney
11 there helping you?

12 MS. COCA: Well, they reviewed -- several city
13 attorneys reviewed the Joint Powers Agreement --

14 CHAIRPERSON JONES: Okay.

15 MS. COCA: -- and the formation agreement before
16 it went forward.

17 And actually we're going to submit a written
18 discussion of these items before the full Board meeting.
19 And we had meetings where we did discuss when the
20 effective date would be. Because obviously it's a limited
21 partnership. It's only purpose is for the consolidated
22 reporting.

23 Therefore, the action of the Board to create a
24 regional agency and to allow the consolidated reporting,
25 it seems reasonable that we have -- you know, that that's

1 when the agreement becomes effective. And that's what
2 staff disagrees with, mainly because, you know, there's
3 been correspondence where I say, "Look, you know, we're
4 starting this new effort." And I mean the first thing
5 that Phil said was bringing up the letter I sent on
6 January 30th. I did -- in the first sentence that's what
7 I said, that we're putting this joint powers together to
8 do these things. In the third sentence it says, "After
9 CIWMB approval we're going to do a consolidated annual
10 report." Like I said, this will all be in writing. I'm
11 just going through some of the issues.

12 But our actions -- the actions of the supposed
13 JPA speak louder than any of the correspondence. Although
14 we've had formation meetings with staff, we've never had a
15 meeting because, in our minds, we have not begun yet. We
16 have not been authorized to do the things that in the JPA
17 we were given to do.

18 We have not collected any dues. We have not
19 spent -- we have not collected any money, set up an
20 account, spent any dues, retained any additional staff.
21 Nothing has happened that would show in effect that we
22 have actually started as an agency.

23 And the bylaws which -- they're attached in draft
24 form as one of the attachments here. They're a draft.
25 They can't be adopted until the Board is activated and

1 until we get started as a regional agency.

2 So I apologize for the confusion. I don't like
3 the way this has turned out. And I'm sorry that it has
4 come to this point. But I still firmly believe that it's
5 a good thing and that it's going to be positive and that
6 everybody's going to help each other to try to implement
7 some good programs. And I still believe it can happen.

8 As far as Gardena goes, I hope that everything
9 works out with them locally. The opportunity for other
10 jurisdictions to join as time goes on will -- is and will
11 be afforded to them and anyone else if we're approved as a
12 regional agency.

13 So if you have any questions that don't get too
14 legal, then I'd be glad to discuss them with you.

15 CHAIRPERSON JONES: Questions?

16 I've got just a couple that obviously -- I don't
17 know if this is a case of the cart before the horse. But
18 in my mind, it's not -- first off, I wouldn't beat
19 yourself up too much or hopefully people in L.A. City or
20 these others aren't beating you up, because I think the
21 effort is a pretty good effort. I think that our staff at
22 one point was recommending concurrence. It was only after
23 some issues came up that just -- not only the issues were
24 something that had to be dealt with, but the treatment of
25 the problem contradicted the documents that were set

1 forward that we as Board members needed to base our vote
2 on to even accept this agency as a -- that could later be
3 a regional agency, in my mind -- I'm not going to speak
4 for the rest of the Board members -- in my mind.

5 They were a clear conflict, because we -- every
6 one of these signatory cities had to have a city council
7 meeting where this item was discussed and voted on. And
8 they had an expectation that, number 1, they would be a
9 member and that, number 2, there would be other proposed
10 members along -- and I'm not saying you had them all
11 identified at every Board meeting. But clearly nobody
12 went into this without knowing who the roster was.

13 And I think the problem comes into play with --
14 that we as a board make a decision based on that document,
15 which is by law what we have to do, and we have to have a
16 reliance on that document that, in fact, the JPA has been
17 formed. And then when issues come up about somebody that
18 is having problems, the system that has been explained for
19 how you deal with that entity is abandoned.

20 So, you know -- and what I mean by that is, you
21 had a system in this document that said it would require a
22 vote of all the members, it would require this, it would
23 require that, and I think there was actually a narrative
24 that said it would take six months or so to get somebody
25 out. Based on that, we were going to make our original

1 decision whether we were for it or against it.

2 But then when the issue came up with Gardena, it
3 was just, "No, they're gone." Well, that puts the whole
4 integrity of the JPA at risk, because then we have nothing
5 as Board members to rely on on what governance is going to
6 be. And there's some heavy-duty issues not only for the
7 City of L.A. with money, but because there are so many
8 jurisdictions that are in -- that can be impacted by the
9 accounting as far as where waste is sourced, where that
10 generator waste -- who it's attributed to, that the second
11 you become a regional agency you do have an opportunity of
12 just everybody coming through the gate saying, "I'm part
13 of the LARA," and not "I'm part of Gardena," or "I'm part
14 of the City of L.A." or I'm part of this city or I'm part
15 of that city. And so, at that point then, it becomes a
16 joke; AB 939 goes out the window, because now it's -- you
17 can account for all this stuff as one huge piece.

18 So I think it puts the Board in -- it puts me as
19 a Board member -- I'll just speak for me -- in an unfair
20 position when it comes to the rest of the cities when I
21 have to rely on -- and I do rely -- and I do appreciate
22 your honesty, okay, I don't want you to misunderstand what
23 I'm saying -- when I rely on you to tell me in testimony
24 at the first hearing that cities would account for their
25 waste individually, that it would be assigned to those

1 cities, those jurisdictions, not to the LARA as a whole --
2 we had conversations about all these haulers that are
3 hauling in accounts in the City of Los Angeles, but they
4 may not be going to approved landfills, so they
5 determine -- you know, so they assign it to another
6 jurisdiction. And we were talking about what might be a
7 mechanism to get that figured out. There's just a lot of
8 issues that rely on an expectation that there will be a
9 formula that would be followed. How's that? I mean is
10 that reasonable to say?

11 MS. COCA: Yes.

12 CHAIRPERSON JONES: And so when we look at the
13 formula to be followed in the formation of this group and
14 it gets thrown to the side, I can't vote for that. But
15 that doesn't mean that I wouldn't entertain the idea of
16 your city attorney and the members of the LARA -- proposed
17 members of the LARA trying to work together to figure out
18 with our staff, you know, how to put this together so that
19 it's real, so that members have a -- can rely on, you
20 know, what was there.

21 And it's nobody's fault. I'm not blaming --
22 especially not blaming you, and I'm not blaming the staff.
23 But I was kept abreast of this throughout the whole way --
24 I think all the members were, but I was because I'm the
25 Chair of this Committee and a lot of the questions get

1 funneled to my office. So I was pretty aware of it. And
2 it got to the point where I'm afraid our staff, who was
3 supporting the formation -- you know, I'm questioning them
4 about how can you -- what about this? You know, I mean
5 because a contract's a contract.

6 So I think that I'm going to vote "no" on this.
7 But that doesn't mean that I'm not prepared to either do
8 what the rest of the Board wants to do or at least work
9 with your group and this group and others to put something
10 together that makes sense, that is enforceable, but that
11 also speaks to the integrity of AB 939, which I don't
12 think you're trying to usurp. I don't. But I'm not so
13 sure about others.

14 Okay. So, you know -- and, remember, when they
15 come under your umbrella, we've got to go to you. And I
16 don't want to come with an issue and say, "Well, you know
17 what, everybody decided it didn't matter." And that's
18 what I -- that's how I feel today, that that's how that
19 would be treated, is that it just didn't matter. So --
20 not from you, but from members, okay, just because of the
21 way this was done. To me it's a very important issue.

22 MS. COCA: Yes, I appreciate you being
23 straightforward, as always. You've always been
24 straightforward about your concerns about what might
25 happen to us, the City of Los Angeles, if -- you know, if

1 someone was less than honest during the process. And that
2 would be something that we have tried to deal with
3 internally. But you're right. Obviously, the timing of
4 what happened with one of the proposed members was
5 probably the worst possible thing that could have
6 happened. And the fact that it happened exactly at that
7 time, with very little notice to us -- in fact, you were
8 the first one who actually told me about it, and I had to
9 go back and investigate. That does take you aback when
10 you're thinking about doing these things.

11 I still believe in it, but I understand what
12 you're saying. And I appreciate the frustration of staff
13 with this process as well. But, again, I appreciate it.
14 Thank you.

15 CHAIRPERSON JONES: I don't know how the other
16 members are going to vote. But do you think that the city
17 attorney that wrote the letter -- because truthfully, when
18 I read the city attorney's response to the questions that
19 were put in place by Elliot, they contradict themselves.
20 It's a contradictory letter. They say A in one thing and
21 B in another.

22 So there needs to be -- we need to put people in
23 a room and sit down and figure this out to do it the right
24 way, because even the explanation is a contradiction into
25 itself, as I read it. Okay?

1 MS. COCA: Yeah. Chris is out of town this week.

2 That was the reason he could not be up here.

3 CHAIRPERSON JONES: We're not going to get this

4 done in a week, I don't think.

5 MS. COCA: No. I mean to be at this meeting. So

6 unfortunately he wasn't able to come up here.

7 Like I said, I got the staff report last

8 Wednesday. Elliot let me know when it was going to be

9 available. But it really wasn't enough time to adequately
10 prepare a response.

11 CHAIRPERSON JONES: I think from my standpoint

12 and I think other members, your integrity and your effort

13 have been exemplary.

14 MS. COCA: Thanks.

15 CHAIRPERSON JONES: And I appreciate it. I

16 appreciate how working through these issues don't

17 always -- they're not always easy because sometimes, you

18 know, we come to solutions and sometimes, you know, maybe

19 it ain't just right and so things could appear to be

20 contradictions. But I don't think it's intentional.

21 MS. COCA: Right. And I do appreciate, you know,

22 that staff has worked very hard on this for two years with

23 us. And that the frustrations seem to have come to pass

24 only in the past couple of months. But before that, we,

25 at least in my mind, were working cooperatively together.

1 My fear is that -- even with resolving these
2 issues to staff's satisfaction, that the idea of putting
3 this together has been a tenuous thing, and it's been
4 holding together this consortium for two years with an
5 idea that may or may not have come to fruition. My fear
6 is that if we continue over and over to delay a decision,
7 that it's simply going to dissolve, and that would not
8 serve anyone. Because I still believe the regional idea,
9 even if it's not us or L.A. County but other places, that
10 it would still afford that opportunity. And I don't want
11 to discourage them by what has happened over the last few
12 months here.

13 CHAIRPERSON JONES: Go ahead, Mr. Washington.

14 COMMITTEE MEMBER WASHINGTON: You certainly would
15 help the situation -- I think a "no" vote from this Board
16 on creating it would do more harm than help. And I would
17 really suggest, Karen, that you pull this item and try
18 to -- and get with our staff and work with these folks on
19 this. I mean we have legal documentation that certainly
20 allows us to deny it. I was just reading what the Public
21 Resource Code Section 40975, that says it has to be a
22 properly executed JPA. By all indications this is not a
23 properly executed JPA. With all the documents that I've
24 had to read through and all the things that are going
25 forward, for me that's a "no" vote there just based on

1 that.

2 But besides that, I think -- and I think the
3 Chair has said it well -- that all your hard work
4 certainly has not gone unnoticed. And I think you would
5 do -- and certainly this Joint Powers Authority in
6 creating this regional agency would do itself well if you
7 would start over. And I know that sounds way out there.
8 But I think that you have a lot to work with now, from
9 where you started from certainly, and to get with our
10 staff and work through this. I think they can certainly
11 be of great help to get you where you're trying to go in
12 terms of the cities you want to involve. Make sure you
13 have your proper documents. The 180 days issue comes to
14 mind. The meeting of the membership. There's never been
15 a meeting, so the membership can't throw anybody out of
16 the JPA. All those things just convolute this whole issue
17 that's before us today.

18 And I wouldn't go any further with this to try to
19 move it forward. I would just try to pull it and get with
20 staff and figure out "How can I begin a process of moving"
21 with this regional agency that you worked so hard for. I
22 wouldn't let all my hard work go to waste like that. I
23 would really get with them and so we can work out ways of
24 making sure that we can bring something before the Board
25 to help create this regional agency.

1 Because I do believe you want to do the right
2 thing. I remember I was one of the ones who asked you the
3 question about Gardena. And you said vividly that, you
4 know, "We're going to work with them. We're going to help
5 them get to where they need to be." So I mean those --
6 and I think that really did come from your heart, that you
7 had no idea that they were in the shape that they were
8 really in and what you would have to deal with to get
9 there.

10 And so I'm with the Chair on this. I can't vote
11 for it now. I mean it's too much involved. And I don't
12 want to take a vote on this. And I don't want to see you
13 guys go to that -- go down like that with that as a part
14 of your record in trying to create this. It does none of
15 the cities who are willing to do this any good. And I
16 hope you will just give that consideration just to pull it
17 in and try to come up with something different to bring
18 before the Board to work with.

19 MS. COCA: Well, I do appreciate that and I thank
20 you. And I must say that this process -- obviously, I'm
21 somewhat insulated inside the City of Los Angeles, where
22 we're bolstered by our sheer size. And that I've gotten
23 to know many of the jurisdictions now in L.A. County that
24 are smaller and the issues that they wrestle internally
25 just trying to implement programs because they are -- they

1 don't have the size and the resources. And also at times
2 maybe other things are more important to them.

3 I don't know how else to put that.

4 COMMITTEE MEMBER WASHINGTON: But besides that,
5 Karen, the political ramifications of this. Sometimes
6 it's not even in the hands of staff. It's the politicians
7 who set up and cause the kind of confusion to take place
8 is really the thing, that has the city manager versus the
9 city council who hired the city manager and things like
10 that where he wants to say, "You guys are not doing the
11 right thing," but he can't tell his bosses that. I mean
12 it's a lot that's involved with these local cities like
13 that.

14 MS. COCA: Yes. And so it's been a very
15 interesting and, at times, painful learning experience
16 through this.

17 But I still think that we've created some
18 relationships that are going to stay positive, no matter
19 what happens.

20 Thank you.

21 CHAIRPERSON JONES: Ms. Peace.

22 COMMITTEE MEMBER PEACE: Okay. Thank you for
23 being here today, Karen. I know you really are sincere in
24 your belief that you can make this work. But, you know,
25 even if all the problems involving the JPA can be

1 resolved, I still have some concerns about this. If the
2 purpose of the LARA is to implement regional programs and
3 to make things easier, I still don't see how things are
4 going to be easier when geographically all the cities are
5 so spread out and noncontiguous. I still don't see how
6 you can implement regional programs that are going to be
7 easier.

8 And I still have a concern, as well as staff
9 does, that I don't feel confident we'll be able to get all
10 the accurate diversion and disposal data.

11 So those two things still concern me. And I am
12 not prepared to vote for this either, as my other Board
13 members have said.

14 CHAIRPERSON JONES: Okay. Any other questions?

15 Karen, let me ask you a couple questions. And
16 you don't have to answer right now. I mean this is up to
17 you, you know.

18 MS. COCA: Thank you.

19 CHAIRPERSON JONES: This is up to you.

20 But I think that, you know, part of the problem
21 is, we've identified in the letters -- and I think we need
22 to give your attorney his chance -- but is that, you know,
23 that reliance on the JPA and some of those issues. So I'm
24 not so sure that it's just tweaking this as it may be
25 putting together, you know, the group from here and the

1 group -- your group and finding out, you know, how does
2 this get constructed the same way; and then quick, you
3 know. Get those issues in black and white so that those
4 cities know what's expected and what the Board wants and
5 needs to be able to approve it so that it could, you know,
6 come forward.

7 Now, I'm going to ask you a question because I
8 know -- I agree with Mr. Washington. I don't think that
9 it serves your purposes for us to vote "no". Although
10 maybe it does. I don't know.

11 You know, we can call -- we can call for a
12 motion. But it's going to be -- it's not going to be
13 what's written here, unless this says to dis -- yeah, this
14 one says to -- it does.

15 So we can call for this motion. Or you can opt
16 to pull this for right now, give it some consideration.
17 And we'll give you a day in court. We can hold it over
18 until the Board meeting, if you want, and you can have
19 your day in court and we can talk about it again at the
20 Board meeting and then you can tell us what you want to
21 do. I'm going to leave that to you. Or maybe -- I'll
22 tell you what I'll do. I'm going to move this to the full
23 Board without any recommendation from this Committee. But
24 I'm going to ask you to determine what you want our next
25 step to be.

1 MS. COCA: All right.

2 CHAIRPERSON JONES: Because, you know, I'm
3 prepared to move this at the Board meeting. But I'm also
4 prepared to see it pulled or something, you know -- well,
5 those would be the two options. We're going to move it or
6 you tell me if you want to see it pulled. Okay?

7 MS. COCA: I think that -- I appreciate that.
8 What I need to do is go back and obviously discuss this
9 with everybody that's involved.

10 I do appreciate that though. And I will let
11 everybody know in advance.

12 CHAIRPERSON JONES: Okay. Is that good with the
13 members, that resolution? Mr. Washington, does that --
14 Ms. Peace?

15 What we're going to do is we're not going to take
16 anything at the Committee. We'll move it to the full
17 Board. I'm going to give her until the Board meeting to
18 determine if she wants to pull it. If she doesn't, then
19 we'll hear -- we'll have the item heard. But I told her
20 I'm prepared to move not to concur at the Board meeting.
21 But this will give her a chance to try to talk to some
22 other folks internally, rather than make a motion today to
23 vote "no".

24 COMMITTEE MEMBER WASHINGTON: I'm trying to avoid
25 getting in a discussion as to pulling it now versus at

1 the -- I mean I'm from the City of L.A., I'm a City of
2 L.A. boy. And I know that to even put this on the agenda
3 before our full Board and then pull it at that point is
4 going to raise a lot of hairs politically. And I don't
5 know if you want to go down that street of doing that.

6 I don't think you have the votes to get it out at
7 the full Board. And if the discussions open up and the
8 questions are asked and things start coming up, why, what
9 happened, then it opens up a whole can of worms. I think
10 this is a good time to just pull the item and work it from
11 there, and it ends here.

12 Going to the full Board, Karen, only, you know,
13 makes it a worse situation. I don't want to hear from
14 Alex Padilla and all those guys as to what's going on, and
15 then we start -- I'm really being serious. They get the
16 agenda items. And if your item is on here and it's
17 pulled, then it opens up that whole can of worms. That's
18 only my suggestion. You certainly, as the Chair said,
19 have a right to do whatever you will. But, you know, from
20 a political standpoint, I would pull it now and begin the
21 process of figuring this thing out.

22 I know you have to go back before --

23 MS. COCA: I do appreciate what you say and I
24 understand why and that it's done in my best interests.
25 But the problem is I can't make a decision like that

1 standing here before you right this second. I'm sorry.

2 That type of decision isn't possible.

3 But I do appreciate it. And hopefully in the
4 future I'll be able to come back when we're implementing
5 some of our new programs and talk about happy stuff.

6 CHAIRPERSON JONES: There you go.

7 MS. COCA: Like how much diversion -- you know,
8 how much additional landfill disposal we're avoiding or
9 something like that.

10 CHAIRPERSON JONES: All right. Then we'll wait
11 here. We're going to move this forward without a
12 recommendation. Although you kind of know what the
13 recommendation is.

14 MS. COCA: I do understand very clearly what the
15 members of the Committee have told me.

16 CHAIRPERSON JONES: All right. Thank you.

17 Is Item 25 necessary right now?

18 DEPUTY DIRECTOR SCHIAVO: Irrelevant, yeah.

19 CHAIRPERSON JONES: Irrelevant. Okay.

20 Item 26.

21 DEPUTY DIRECTOR SCHIAVO: Committee Item M is
22 discussion and request for rulemaking direction to
23 formally notice the proposed revisions to the Disposal
24 Reporting System and adjustment method regulations for the
25 45-day comment period.

1 And Diane Shimizu is getting prepared to make the
2 presentation.

3 (Thereupon an overhead presentation was
4 Presented as follows.)

5 MS. SHIMIZU: Good afternoon, Chairman Jones
6 Committee members.

7 This item requests approval to formally notice
8 proposed revisions to Disposal Reporting System and
9 Adjustment Method regulations for a 45-day comment period.

10 --o0o--

11 MS. SHIMIZU: The adjustment method and the DRS
12 are integral parts of the disposal based diversion rate
13 measurement system that has been in use since 1995. The
14 DRS and Adjustment Method regulations were written to
15 establish minimum standards that allowed for flexibility
16 at the local level.

17 --o0o--

18 MS. SHIMIZU: In 2000 SB 2202 was passed,
19 requiring the Board to analyze the DRS. And with the
20 assistance of stakeholder working groups and reviewers,
21 the Board prepared a report to the Legislature which
22 included recommendations to improve DRS and gold
23 measurement. Some of these recommendations called for
24 regulatory changes.

25 --o0o--

1 MS. SHIMIZU: In November 2002 the first informal
2 draft revised DRS and Adjustment Method regulations went
3 out for public review and comment.

4 In December 2002 two informal workshops were
5 held. Since the DRS regulatory changes were extensive,
6 staff also conducted two sets of subtopic workshops in
7 March of this year to further solicit input on the revised
8 DRS regs.

9 Last June the second draft revised DRS regs went
10 out for public review and comment and two workshops were
11 held.

12 --o0o--

13 MS. SHIMIZU: The Board staff received a great
14 deal of feedback on the first and second informal draft
15 regulations. And based on the comments the regulations
16 were revised significantly.

17 The following slides highlight some of the
18 changes made.

19 --o0o--

20 MS. SHIMIZU: The agenda item contains
21 information on changes made to the regulations since we
22 began the informal rulemaking process, including a table
23 comparing current regulations, first and formal draft
24 regulations, and proposed 45-day text. In this
25 presentation, however, I will focus on the proposed --

1 text that is proposed for the 45-day comment period.

2 --o0o--

3 MS. SHIMIZU: In terms of signage, the proposed
4 regulations require that a sign regarding origin surveys
5 be posted at a location visible to drivers of incoming
6 vehicles.

7 --o0o--

8 MS. SHIMIZU: In the SB 2202 report regulatory
9 requirements for scales and weighing were recommended for
10 approving accuracy and consistency statewide. Based on a
11 review of DRS data and stakeholder input, the threshold
12 through -- for the scales requirement was set at greater
13 than 100 tons per day based on an annual average for
14 landfills and transfer stations and greater than 200 tons
15 per day for rural facilities.

16 At a minimum, all loads greater than 1 ton or
17 greater than 6 cubic yards would require weighing at the
18 facilities with scales. And for waste that is not weighed
19 the facility would use documented conversion factors to
20 estimate weight.

21 --o0o--

22 MS. SHIMIZU: A training requirement is proposed
23 to ensure that employees have adequate and relevant
24 training in DRS. The proposed training requirements are
25 flexible, requiring an overview of DRS and an

1 understanding of the system as it relates to the
2 individual employee's job duties.

3 The Board will provide training modules that may
4 be used to satisfy this requirement. This training -- DRS
5 training should take no longer than about one to two hours
6 to complete.

7 --o0o--

8 MS. SHIMIZU: Consistent with the SB 2202
9 recommendations, the regulations have changed from a
10 minimum one week per quarter survey to daily origin
11 survey. The proposed revised regulations allow an
12 operator to use a one-week-per-quarter survey for loads
13 one ton and less and for all loads at rural facilities.

14 --o0o--

15 MS. SHIMIZU: The proposed regulations require
16 commercial haulers to provide facility operators with
17 jurisdiction of origin information based on their company
18 dispatch billing or other relevant records. Commercial
19 haulers may send the origin information directly to the
20 facility or with the drivers.

21 There has been some confusion that the revised
22 DRS regulations require a manifest system. But this is
23 not the case. The regulations require only quarterly
24 summary allocation data based on daily origin tracking.

25 --o0o--

1 MS. SHIMIZU: All other haulers other than
2 commercial haulers would be required to provide the name
3 of the jurisdictions from which their loads originated.

4 --o0o--

5 MS. SHIMIZU: Quarterly reporting requirements
6 have also been revised. As in the current regulations,
7 operators are required to report by jurisdiction the total
8 tons disposed and the total tons of each type of
9 alternative daily cover and alternative intermediate cover
10 used each quarter.

11 In addition, the proposed regulations require
12 that operators report the tons of waste received from each
13 jurisdiction. Also, new in the proposed regulations, is a
14 requirement to report total tons of each type of material
15 used beneficially, the total tons sent offsite for
16 recycling, and estimated landfill waste-to-cover ratios,
17 and landfill compaction rates.

18 --o0o--

19 MS. SHIMIZU: The proposed regulations have a new
20 requirement for facility operators to report on the
21 disposal reporting methods used at their facilities.
22 These methods include the frequency of origin surveys, the
23 method of tracking waste, and conversion factors used.

24 The information on facility methods will proceed
25 documentation to better understand how DRS data were

1 derived and will reduce the time needed to investigate DRS
2 issues.

3 --o0o--

4 MS. SHIMIZU: Currently, regulations require
5 transfer station operators to keep DRS records as part of
6 the state minimum standards. And the proposed regulations
7 would also require landfill operators to keep DRS records
8 as part of minimum standards.

9 --o0o--

10 MS. SHIMIZU: And finally in terms of changes to
11 the Adjustment Method regulations, the proposed text
12 specifies that countywide Employment Development
13 Department industry or countywide EDD labor force
14 employment data may be used in the diversion rate
15 calculation.

16 Additionally, the proposed revised regulations
17 allow the use of the countywide industry factor for the
18 nonresidential estimate and countywide EDD labor force
19 employment factor for the residential estimate.

20 --o0o--

21 MS. SHIMIZU: Staff is recommending the Committee
22 direct staff to formally notice the proposed draft revised
23 DRS and Adjustment Method regulations for the 45-day
24 comment period.

25 This concludes my presentation. Are there any

1 questions?

2 CHAIRPERSON JONES: Thank you.

3 Questions, members?

4 Okay. We have one speaker, Mr. Evan Edgar.

5 MR. EDGAR: Good afternoon, Board members. My
6 name is Evan Edgar. I'm the engineer for Edgar
7 Associates, representing CRRC northern members, where
8 we've had a chance to look at these regulations. We're
9 going to look at these statewide with our members down
10 south because the L.A. -- fix L.A. -- the situation's a
11 little different than up north. So we reserve the right
12 to comment on this as a whole. But as a whole, we support
13 noticing the DRS regulations. They need to go forth.
14 We've been at workshops over two years.

15 We believe in the reporting ADC, AIC, and
16 beneficial reuse as part of the Disposal Reporting System.
17 We need those numbers. We support the training
18 requirements. We like the alternative aspects of
19 implementing other DR systems, but we believe in numbers
20 and programs, as the foundation of AB 939 enforcement has
21 been DRS. SB 1066 plan of corrections are coming back to
22 you. We need these numbers.

23 We believe that the incremental costs to
24 implement the DRS program is not substantial given the
25 fact that many of the facilities I operate and know of are

1 doing it anyway. It's repackaging it to fit a different
2 format, which we can do with the reasonable regulations
3 that we have come forth.

4 So as a whole, we need this to support AB 939
5 foundation for programs and numbers. We believe that
6 there's some aspects that could be worked out. We reserve
7 the right to comment during the 45-day period on some
8 nuances that we may have to comment on. But as a whole,
9 these need to move forward and we support the noticing.

10 Thank you.

11 CHAIRPERSON JONES: Any questions, members?

12 Just one thing I want to note in the
13 presentation. It was made clear that there is no
14 requirement for manifest in this system. Correct?

15 I reiterate that because in fact it was being
16 proposed as a resolution down south and they were saying
17 that it was because of the actions of the Waste Board.

18 So when you go back and talk to your members, who
19 are obviously going to have to participate locally, I
20 think it's very clear in these regulations that the Waste
21 Board is not requiring a manifest. We are requiring
22 obviously information come forward where the stuff came
23 from. But that's easy. Sixty percent, city A; 40
24 percent, city B, you know. Like I've said before, we
25 don't drive down streets looking for our colored bins and

1 start dumping them. We actually really work off a route
2 list.

3 So please reiterate that to your southern Cal
4 members, because this thing was going to get derailed real
5 quick if -- as it was being proposed -- or reported that
6 it was a manifest system.

7 Is that fair, members?

8 Okay. Thanks.

9 All right. Go ahead. The direction I think --
10 does anybody object to these going out? Any questions or
11 anything?

12 Okay. Hold on. You got a question?

13 COMMITTEE MEMBER PEACE: Under the current --
14 under the proposed Disposal Reporting System, when you say
15 they have to report the -- you know, the origin, if you
16 belong to a regional agency, can you just say the origin
17 is the regional agency? Or do you still have to be more
18 specific?

19 DEPUTY DIRECTOR SCHIAVO: Typically, it would be
20 the origin or the regional agency. Most of those again
21 are contiguous bodies or counties. In the particular case
22 we heard earlier, because they're so fragmented, we would
23 still have to require that reporting be individual. But
24 typically we would require it by regional agency. And
25 that's one of the benefits that we do tout to

1 jurisdictions, is that by reporting by county, which is --
2 you know, most of the regional agencies are by county,
3 that you do get more -- you know, you get enhanced
4 reporting, more accuracy.

5 COMMITTEE MEMBER PEACE: Say if in the future
6 this LARA was approved, we could still require them to
7 report by more specific origin than just saying the LARA
8 because --

9 DEPUTY DIRECTOR SCHIAVO: Yeah, we would --
10 practically speaking, we would have to because of the 1066
11 jurisdictions and compliance order jurisdictions, the
12 fragmentation, no common waste stream. There's a lot of
13 reasons -- yeah, we would still want to require that.

14 COMMITTEE MEMBER PEACE: We'd still have the
15 ability to require that?

16 DEPUTY DIRECTOR SCHIAVO: And that was part of
17 the discussion we had in the prior Board meeting back in
18 July, making that requirement.

19 CHAIRPERSON JONES: Mr. Block.

20 STAFF COUNSEL BLOCK: Just to clarify, because in
21 case this is a particular concern. On page 26-31 of your
22 package -- so it's Section 18809.5.

23 I'm sorry. Elliot Block with the Legal Office.

24 Under Subsection A, identifying a jurisdiction of
25 origin. A2 specifies that they may identify the waste as

1 coming from a region only if expressly allowed by the
2 region. So there's a presumption that it's by individual
3 cities. However, the regulations as written right now
4 allow it to be reported by region. And as it's phrased
5 right now, it's allowing the region itself to make that
6 decision.

7 So if that's a concern --

8 COMMITTEE MEMBER PEACE: So the LARA could make
9 the decision themselves that --

10 STAFF COUNSEL BLOCK: The way the regulations are
11 drafted right now -- remember, these are just drafts. So
12 there's two ways to deal with that. One, to change some
13 language in the regulations. The other way to deal with
14 that is if you are -- if the Board is approving a regional
15 agency where that is a concern -- and as Pat mentioned,
16 for most cases it's not a concern where it's just all the
17 jurisdictions in a county -- you could make that part of a
18 condition of the approval of the regional agency. And
19 that's another way to deal with that.

20 But I wanted to make sure to identify that
21 because it is important. If that is a particular issue
22 with a particular region, you know, you want to make sure
23 to address it in advance.

24 COMMITTEE MEMBER PEACE: Right. So how would it
25 make more sense to you? How would you want to address

1 that?

2 DEPUTY DIRECTOR SCHIAVO: We would want to do it
3 through the resolution because that's the enforceable
4 piece of the document. So we would want to make it a real
5 clear statement, not only with disposal reporting but also
6 with program implementation, you know, the new base year
7 information. We want to keep that all discrete the way
8 it's currently set up.

9 And then if the holes do get filled in over time
10 and depending on, you know, how responsive they've been
11 and how the Board feels about it, then maybe that can
12 change over time. But for now I think it would be
13 important for the Board to maintain the discreteness of
14 the reporting in that particular case.

15 COMMITTEE MEMBER PEACE: So as it's written right
16 now that's okay with you? I mean some -- the regional
17 agency couldn't say, "Well, this is the way they're
18 written, so we don't have to do that, we don't have to
19 report individually."? I just want to make sure that they
20 wouldn't be able to say that, they wouldn't be able to
21 say, well, it's not explicitly written --

22 DEPUTY DIRECTOR SCHIAVO: Well, if we were going
23 to recommend approval, we would --

24 COMMITTEE MEMBER PEACE: -- here. But then in
25 their actual thing that you would approve, you would spell

1 it out that they would --

2 DEPUTY DIRECTOR SCHIAVO: We would spell it out,
3 because we went with a denial that became irrelevant to
4 us.

5 CHAIRPERSON JONES: Yeah, but it still could
6 come. And I think Ms. Peace is on a --

7 DEPUTY DIRECTOR SCHIAVO: Right. And that's --
8 if we recommended approval, yeah. In fact, if the Board
9 was going to vote for an approval at this session, we
10 are -- you know, we talked about it earlier, that we would
11 definitely want to revise the resolution to include that
12 kind of a language in it. So we want to do that in the
13 future, make it very clear that they have to report
14 discretely, the programs and numbers.

15 COMMITTEE MEMBER PEACE: So you want that to be
16 in a resolution then for each particular regional agency
17 and not in the disposal reporting regulations?

18 DEPUTY DIRECTOR SCHIAVO: Okay. That's another
19 question.

20 COMMITTEE MEMBER PEACE: So you don't think they
21 need -- so the way they're written right now is fine with
22 you?

23 DEPUTY DIRECTOR SCHIAVO: Yeah, they're fine.

24 COMMITTEE MEMBER PEACE: You know, a regional
25 agency couldn't say, "Well, it's not spelled out in

1 here."?

2 DEPUTY DIRECTOR SCHIAVO: It can be done in both
3 ways. We talked about --

4 MS. VAN KEKERIX: We can modify this regs package
5 so that we allow the Board to also direct that a regional
6 agency would have to report as individual members. But I
7 think what Pat was also getting at is that there are a lot
8 of other kinds of reporting that are outside of this
9 Disposal Reporting System reporting that the Board would
10 want to address in the resolution as well.

11 COMMITTEE MEMBER PEACE: I just wanted to make
12 sure you didn't think that it was necessary to clarify it
13 in these regs instead of in a regional agency resolution.

14 DEPUTY DIRECTOR SCHIAVO: No, the regional agency
15 resolution is what I'm referring to. And because we would
16 have to look at program reporting, we have to look at
17 disposal reporting, we have to look at each individual's
18 numbers at this point because they are individual the way
19 they're set up geographically. So I'm not for these
20 regulations but for the resolution.

21 COMMITTEE MEMBER PEACE: Okay. So you figure the
22 way it's clarified, the origin survey, the way it is in
23 the regulations that are proposed are sufficient for what
24 you need?

25 STAFF COUNSEL BLOCK: The language in the

1 regulations is sufficient for how we want to proceed. If
2 it's the Board's desire to dot that "i" and cross that
3 "t", you could add the language only if expressly allowed
4 by the region and by the Board. I think that's already
5 the case now. You don't have to say that in regulations.
6 If there is a concern that somebody might misconstrue
7 that, you could add those words and it really won't
8 change -- it wouldn't change the meaning because the
9 regional agency's got to be approved by the Board anyway
10 and we'd be looking at that issue. But it would certainly
11 make it more explicit. It's more a -- it's not really
12 going to change the legal ramifications as much as the
13 message that it sends.

14 So that's really, you know, the choice of the
15 Committee and the Board.

16 COMMITTEE MEMBER PEACE: Well, I would kind of
17 personally like to see it in the regulations, just those
18 little words that you said, just so it's clear in here and
19 then it would also be clear in their resolution.

20 STAFF COUNSEL BLOCK: Okay.

21 DEPUTY DIRECTOR SCHIAVO: Sure. We can do that.

22 CHAIRPERSON JONES: Just with the concurrence of
23 the Board. This is the same issue you and I talked about.
24 And so I support it a hundred percent, because I don't
25 want a LARA when Karen Coca's not involved, the next

1 person says, "I don't have to do it your way. I could do
2 it this way because of the DRS." So I think we ought to
3 just tighten that up, that they can do it with the
4 concurrence of the Board or something, you know.

5 COMMITTEE MEMBER PEACE: Yes.

6 MS. VAN KEKERIX: I'd just like to make one
7 comment. This is Lorraine Van Kekerix with the Waste
8 Analysis Branch.

9 We're getting direction from you to go out with
10 these. And we need to complete the economic analysis.
11 And so we anticipate that it will be at least a month or
12 two before we can get the buy-off from the Air Resources
13 Board on the economic analysis before these officially go
14 out. But as soon as they officially go out, all of the
15 Board members will be receiving copies of the package
16 that's sent out.

17 CHAIRPERSON JONES: Okay. Can I ask one other
18 question before we move this thing out of here.

19 A regional agency that has one hauler and crosses
20 lines, like the Yuba-Sutter one used to be with Gridley
21 involved, I think it was in regulations that those could
22 be done as an agency because there was only one hauler.
23 Nothing in this clarifying language does that affect their
24 ability to do that? Or does it just become more
25 bureaucracy?

1 STAFF COUNSEL BLOCK: The language you were just
2 talking about changing?

3 CHAIRPERSON JONES: Yeah, I'm just talking about
4 with concurrence.

5 STAFF COUNSEL BLOCK: It will not change anything
6 that the Board has been able to do or anything that
7 exists. It's just -- It's making more explicit really
8 what already is the case.

9 CHAIRPERSON JONES: Yeah, and it's more the
10 fragmented regionals that we're worried about other than
11 the contiguous with one hauler. I think contiguous with
12 one hauler is actually addressed in regs, or it was
13 addressed in the law that let us do some of these things,
14 that we could report --

15 STAFF COUNSEL BLOCK: There are provisions in the
16 statute about regional agencies that include jurisdictions
17 in more than two counties and --

18 CHAIRPERSON JONES: -- served by one hauler.

19 STAFF COUNSEL BLOCK: -- there's some language.

20 CHAIRPERSON JONES: Yeah, because we moved it.

21 Okay. Any other questions?

22 All right. Thank you, members. I appreciate it.

23 Staff good job.

24 And we're out of here.

25 Oh, any public comment? Sorry. Anybody want to

1 talk about anything not on this agenda?

2 Thanks.

3 (Thereupon the California Integrated Waste

4 Management Board, Sustainability and

5 Market Development Committee adjourned

6 at 3:30 p.m.)

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CERTIFICATE OF REPORTER

I, JAMES F. PETERS, a Certified Shorthand
Reporter of the State of California, and Registered
Professional Reporter, do hereby certify:

That I am a disinterested person herein; that the
foregoing California Integrated Waste Management Board,
Sustainability and Market Development Committee meeting
was reported in shorthand by me, James F. Peters, a
Certified Shorthand Reporter of the State of California,
and thereafter transcribed into typewriting.

I further certify that I am not of counsel or
attorney for any of the parties to said meeting nor in any
way interested in the outcome of said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand
this 10th day of November, 2003.

JAMES F. PETERS, CSR, RPR
Certified Shorthand Reporter
License No. 10063